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November 29, 2007

**Via Facsimile to: 212-766-1131**

Thomas M. DeSimone, Esq.  
Joseph T. Mullen, Jr. & Associates  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, NY 10007

**RE: Julia Pichardo v. New York University**  
**S.D.N.Y. - Docket No.: 07 civ 6034**  
**Date of Loss: May 4, 2004**  
**Our File No.: 40824**

Dear Mr. DeSimone:

On September 21, 2007, I served your office with NYU's Demand for Production of Documents and Demand for Interrogatories in connection with the above referenced matter. More than sixty (60) days have elapsed, and Plaintiff has still not served responses to the demands. In addition, Plaintiff has still not served an initial Rule 26 Disclosure Statement.

The parties' depositions are presently scheduled for December 19 and pursuant to Magistrate Judge Dollinger's order, all factual discovery must be completed by December 31. However, other than two (2) authorizations, Plaintiff has thus far completely failed to provide any information in support of her claim. For example, Plaintiff apparently claims exacerbation of a prior condition, but has failed to provide any discovery which would substantiate such a claim.

In light of the foregoing, it would be both unreasonable and prejudicial to demand that the parties to conduct depositions and complete discovery during the month of December. As a preliminary matter, please make every effort to provide complete responses to the afore-described, outstanding discovery demands **on or before Friday, December 7**. In addition, I am recommending that we agree to extend all discovery deadlines and participate in a conference call with Magistrate Judge Dollinger in an effort to obtain the court's consent regarding a reasonable extension of time to complete discovery.

**Thomas M. DeSimone, Esq.**

**November 29, 2007**

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This afternoon, I left a phone message for you with your firm's receptionist. It would be appreciated if you would respond and contact me at your earliest opportunity so that we may further discuss the matters set forth within this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Fox", with a stylized flourish extending from the end.

DANIEL J. FOX